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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,906	11/27/2001	Jax B. Cowden	10005.000120	7660

31894 7590 10/04/2006

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EXAMINER

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ART UNIT PAPER NUMBER

2151

DATE MAILED: 10/04/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/993,906
Filing Date: November 27, 2001
Appellant(s): COWDEN ET AL.

Patrick D. Benedicto
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 11, 2006 appealing from the Office action mailed May 15, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

- InfoWorld Publishing Co., Real Demos Online software, February 5, 1997.
- Cinecom Corporation, CineVideo Direct, January 15, 1997.
- Quarterdeck Corporation, CleanSweep 95 Reviewers Guide, October 30, 2001.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over InfoWorld Publishing Co. (hereinafter InfoWorld, "Release Software and Demo 97 Demoletter to Provide Real Demos online", pp. 1-2, February 5, 1997) in view of Quarterdeck.

As per claim 7, InfoWorld discloses a method to be performed in a computer, the method comprising: installing a computer program (read as a demo or trial version of the software) in the computer, the computer program being partially disabled as installed; informing or demonstrating the efficacy or usefulness of the computer program to a user; offering the computer program to the user after installing of the computer program in the computer and providing the computer program to the user after the user accepts the offer (pg. 1 paragraph #3), however InfoWorld does not explicitly disclose a process of informing the user of usefulness of the computer program when the user tries to uninstall the computer program after accepting the offer.

Quarterdeck explicitly discloses the process of informing the user of the usefulness of the program or file when the user tries to uninstall the program or file (page 9: selecting and clicking on a file or program provides the description and usefulness of program).

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Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify InforWorld in view of Quarterdeck in order to inform the user of the usefulness of the computer program when the user tries to uninstall the computer program after accepting the offer.

One of ordinary skilled in the art would have been motivated because it would have enabled the users to make an informed decision by displaying the description and recommendation of the application and/or software.

As per claim 4, InfoWorld discloses the process of activating the full version of computer program after the demo or trial version expires and user purchases the software (pg. 1 paragraph #3).

As per claim 1, it does not teach or further define over the limitations in claims 7 and 4. Therefore claim 1 is rejected for the same reasons as set forth in claim 7 and 4.

Claims 3, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over InfoWorld Publishing Co. (hereinafter InfoWorld, "Release Software and Demo 97 Demoletter to Provide Real Demos online", pp. 1-2, February 5, 1997) in view Quarterdeck and further in view of Humes (U. S. Patent No. 5,996,011).

As per claim 3, InfoWorld in view of Quarterdeck does not explicitly disclose the process of informing the user a number of a type of window detected by the computer program.

Humes discloses the process of displaying the forbidden page to the user when the web page is filtered wherein the forbidden page includes or provides information such as the total score for the page and wherein a score is the variable which keeps track of the total score of the

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URL being detected and filtered (fig. 3, col. 2 L31 to col. 3 L22, col. 4 L10-20, col. 6 L7-16 and col. 7 L60-65).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Humes with InfoWorld and Quarterdeck in order to inform a user a number of type of window detected by the computer program.

One of ordinary skilled in the art would have been motivated because it would have employed a mechanism for tracking the total score (i.e. the number) of the filtered windows (Humes, col. 6 L15-17).

As per claim 6, InfoWorld in view of Quarterdeck does not explicitly disclose the process wherein the computer program includes a window-blocking computer program.

Humes discloses a window-blocking computer program (col. 2 L31 to col. 3 L22, col. 4 L10-20).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify InfoWorld and Quarterdeck in view of Humes in order to distribute the window-blocking compute program, since Humes discloses the window-blocking computer program.

One of ordinary skilled in the art would have been motivated because it would have output to the client computer only those web pages, which are deemed appropriate for viewing by the user of the client computer and block or filter others that are not deemed appropriate (Humes, col. 4 L51-58).

As per claims 8-9, they do not teach or further define over the limitation in claims 3, 6. Therefore, claims 8-9 are rejected for the same reasons as set forth in claims 3, 6.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over InfoWorld Publishing Co. (hereinafter InfoWorld, "Release Software and Demo 97 Demoletter to Provide Real Demos online", pp. 1-2, February 5, 1997) in view of Quarterdeck, and further in view of Cinecom (hereinafter Cinecom, document #1043564).

As per claim 5, InfoWorld in view of Quarterdeck does not disclose the process wherein the act of providing the computer program to a user includes downloading components of the computer program from a remote computer.

Cinecom discloses the process of downloading trial and demo software to purchase full, registered versions by downloading complete versions of the application from the remote computer (Cinecom, pg. 1 paragraph 3).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify InfoWorld in view of Quarterdeck and further in view of Cinecom, in order to download the components of the compute program from a remote computer, since Cinecom teaches the process of downloading trial or demo versions and downloading the complete versions of the software.

One of ordinary skilled in the art would have been motivated so that the complete versions of the software would have been provided to the users (Cinecom, pg. 1 paragraph 3).

(10) Response to Argument

The examiner summarizes various arguments raised by the appellant and addresses replies individually.

In an appeal brief, appellant argues in substance that:

- a. Quarterdeck does not teach or suggest reminding the user of the usefulness of a computer program to be uninstalled (appeal brief, page 5, VII. A.).

In response to argument [a], Examiner disagrees at least for the following reasons:

At page 30, lines 8-20, applicant states:

“In actions 1006 and 1008, the user is informed of the usefulness of the computer program, and is thereafter offered the computer program. In the window-blocking computer program example, window analyzer 308 commands UI manager 320 to display the results of scorekeeper 318 once the number of detected bad windows reaches a certain threshold (e.g. 2 bad windows in a given session)...An example message box that may be displayed to the user may read: “you have received 2 bad windows since you started browsing today. I can make bad windows automatically disappear so they can’t bug you. Press the activate button to say goodbye to bad windows.

A similar message reminding the user of the usefulness of the computer program may also be displayed if the user installs the computer program and decides to uninstall it later on.”

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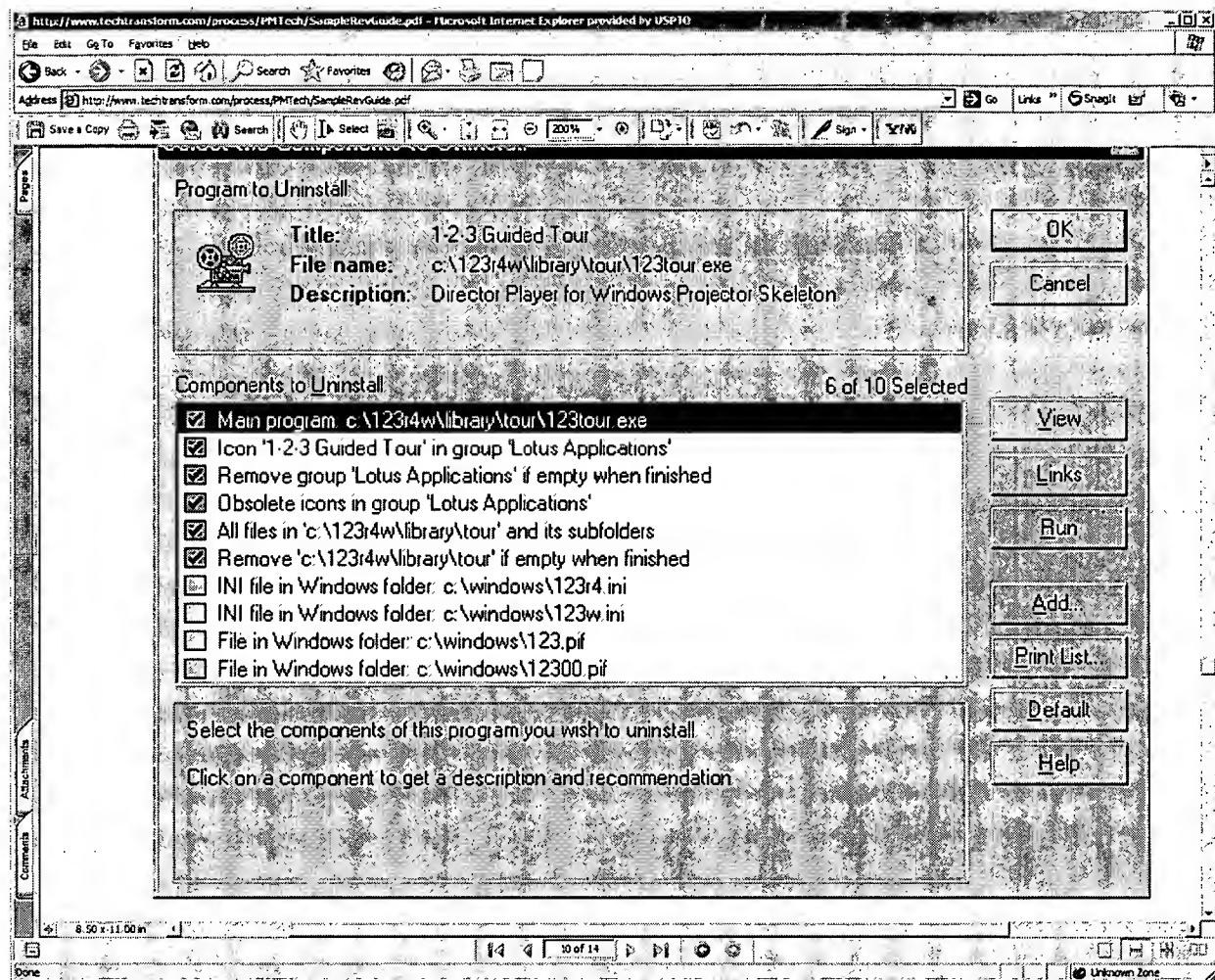
In other words, the process of informing the usefulness of the computer program when the user tries to uninstall is nothing more than a recommendation that recommends the program to the user.

The message above is provided for illustration purposes only, and therefore there can be other variations for informing the user of the usefulness of the computer program such as a simple recommendation message for the computer program.

Quarterdeck discloses a software utility or uninstaller program for uninstalling the computer programs and/or applications (page 2-3). An uninstaller program is a utility that removes unwanted files such as unwanted programs, unused files, duplicate files, unnecessary system components, etc., from the hard disk (Quarterdeck, page 2).

Quarterdeck explicitly teaches the process of informing the user of the usefulness of the computer program by providing the recommendation for the computer program (see the figure below), especially when the user is trying to uninstall the program or file. This would have enabled the user to make a more informed decision.

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By clicking on component, the utility program displays the recommendation and the description for the computer program and/or application.

The phrase “recommendation” is well understood and is defined as “something that recommends a favorable statement concerning character or qualifications and/or something such as course of action, that is praised or commended to another as being worthy or desirable”.

On the other hand, the phrase “usefulness” recited in the claim is vague.

Therefore Quarterdeck does teach the process of informing the user of the usefulness of the computer program in terms of recommendation, which is defined as a course of action that is

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praised or commended to another as being worthy or desirable, when the user tries to uninstall the computer program.

Assume that the window above includes a computer program as disclosed by InfoWorld, as one of the components to uninstall, since users download the computer programs from the Internet on a regular basis.

The said computer program can be selected and/or clicked to display the description and recommendation while trying to uninstall said computer program. The recommendation can be provided or displayed in form of a favorable statement regarding the computer program.

Therefore, the modification of InfoWorld in view of Quarterdeck as set forth above is fully compatible and produces the same results as claimed in the present application.

For the at least above reasons, the rejection should be sustained.

b. There is no suggestion or motivation to combine Humes with InfoWorld and Quarterdeck to meet the limitations of claim 3 (appeal brief, page 5 VII. B, page 7 VII. B.2).

In response to argument [b], Examiner disagrees in light of the following:

Claim 3 stands rejected as follows:

As per claim 3, InfoWorld in view of Quarterdeck does not explicitly disclose the process of informing the user a number of a type of window detected by the computer program.

Humes discloses the process of displaying the forbidden page to the user when the web page is filtered wherein the forbidden page includes or provides information such as the total score for the page, the score of the page in each category, etc., and wherein a score is the variable

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which keeps track of the total score of the URL being detected and filtered (fig. 3, col. 2 L31 to col. 3 L22, col. 4 L10-20, col. 6 L7-16 and col. 7 L60-65).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Humes with InfoWorld and Quarterdeck in order to inform a user a number of type of window detected by the computer program.

One of ordinary skilled in the art would have been motivated because it would have employed a mechanism for tracking the total score (i.e. the number) of the filtered windows (Humes, col. 6 L15-17).

The motivation is clearly cited in the rejection such as “tracking the total score of the filtered windows for informing the user by displaying the forbidden page that includes the total score.

For the at least this reason, the rejection should be sustained.

c. Humes does not disclose detection and tracking of types of windows (appeal brief, page 5, VII. B.1 and page 7 VII. C).

In response to argument [c], Examiner disagrees in light of the following reasons:

The applicant disclosure provides:

In the present disclosure, the term “window” is used to refer to any mechanism for presenting the information to a user. Thus, the term “window” also includes message boxes, dialog boxes, text boxes, banners, etc. A window may be associated with a web browser, or may be generated as a result of receiving information from another computer over a computer

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network or from a local computer program (see specification, page 5, line 19 to page 6, line 1 and appeal brief, page 6).

Furthermore, appellant also states “a window in the context of computers is a notoriously well understood term” (appeal brief, page 60).

In one scenario, appellant defined the term “window” as everything that presents the information to the user and on the other hand, the appellant keeps reinforcing that the detection of type of web site or web pages by Humes is not similar to detecting types of windows.

Applicant has clearly stated in the specification that the term window is used to refer to any mechanism for presenting the information to a user.

Web sites and web pages are well known in the relevant art. They are used as a mechanism for presenting the information and/or content to the user.

Humes explicitly discloses a computer program for filtering web sites (i.e. blocking certain type of URL's or websites) received by a computer system, i.e. blocking the web pages that are deemed inappropriate for viewing by the user (Humes, col. 4 L51-60). For example: blocking the pornographic web sites or web pages for viewing by the user.

Therefore, based on the applicant's specification, the process of detecting and blocking and/or filtering the web pages in Humes is reasonably interpreted as detecting and blocking the type of windows.

Furthermore appellant admitted in an appeal brief page 6, that Humes detects contents received from web sites, and Humes can only detect content and source of contents (i.e. information) displayed in a window (a browser window).

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Humes detects the content and the type of content carried on a web page, and based on the type, the filtering program filters and/or blocks the web page (col. 7 L65 to col. 8 L58).

Humes explicitly uses a technique, known as scoring technique for blocking or filtering the web pages, i.e. if a score for a web page is determined to be more than a threshold score, the web page is filtered and/or blocked for viewing by the user.

Therefore Humes does teach and disclose detection and tracking types of windows.

d. Humes does not teach or suggest informing the user of the number of “types of websites or web pages” that have been filtered (appeal brief, page 6).

In response to argument [d], Examiner disagrees in light of the following reasons:

Claim 3 recites:

“The method of claim 1, wherein the act of informing the user of the usefulness of the computer program includes informing the user a number of types of window detected by the computer program”.

Humes explicitly teaches the process of presenting or displaying a forbidden page which provides additional information, such as the total score for the page, the score of the page in each category, the language of the objectionable words in the page, etc. This information may be viewed and the thresholds may be changed by one having appropriate access (col. 7 L55-65).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify InfoWorld and Quarterdeck in view of Humes in order to indicate the number of a type of window detected by the computer program since Humes teaches the process of displaying and/or informing the user, by displaying the FORBIDDEN page, which includes

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the plurality of scores of the web page, i.e. score of the page in each category, such as set forth in column 8 line 10-30.

If the FORBIDDEN page displays every category of the blocked and/or filtered information, this implies that the forbidden page is capable of informing the user a number of a type of window detected by the program.

Therefore, for the at least this reason, the rejection should be sustained.

e. Humes discloses content (e.g. web page) filtering, not blocking of windows (e.g. browser, pop-up). Humes cannot block proliferation of pop-windows (appeal brief, page 7-8, VII. C).

In response to argument [e], examiner disagrees because the claims are not limited to blocking of the either browser or pop-up windows. The claims simply refers to the term “window(s)”.

The disclosure is evident to define the term “windows” as any mechanism used for presenting the information to a user (see applicant’s specification, page 5 line 19 to page 6 line 1).

Therefore the features upon which applicant relies (i.e., proliferation of pop-up windows) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, applicant had plurality of opportunity to define the claims in terms of the pop-up windows, however the applicant failed to do so and attempts to present the arguments in

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terms of the pop-up windows to distinguish the invention of the present application over the prior art.

For the at least this reason, the rejection should be maintained.

f. Cinecom does not teach or suggest downloading from a remote computer, components of a trial version or full version of a computer program after the trial version of the full version of the computer program has been accepted by the user, which offer must occur after the trial version or the full version of a computer program has already been installed in the computer before hand (appeal brief, page 8, VII. D).

In response to argument [f], Examiner disagrees.

Claim 5 recites:

“The method of claim 1 wherein the act of providing the computer program to the user includes downloading components of the computer program from a remote computer”.

And claim 1 recites:

“A method to be performed in a computer, the method comprising:

installing a computer program in the computer, the computer program being partially disabled as installed;

offering the computer program to the user after installation of the computer program in the computer;

providing the computer program to the user after the user accepts the offer; and informing the user of usefulness of the computer program when the user tries to uninstall the computer program after accepting the offer”.

Claim 5 stands rejected as follows:

As per claim 5, InfoWorld in view of Quarterdeck does not disclose the process wherein the act of providing the computer program to a user includes downloading components of the computer program from a remote computer.

Cinecom discloses the process of downloading trial and demo software to purchase full, registered versions by downloading complete versions of the application from the remote computer (Cinecom, pg. 1 paragraph 3).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify InfoWorld in view of Quarterdeck and further in view of Cinecom, in order to download the components of the compute program from a remote computer, since Cinecom teaches the process of downloading trial or demo versions and downloading the complete versions of the software.

One of ordinary skilled in the art would have been motivated so that the complete versions of the software would have been provided to the users (Cinecom, pg. 1 paragraph 3).

Cinecom discloses a system wherein the user is provided with a secure graphical environment to easily purchase and download complete versions of the application and/or computer program (see page 1), which occurs after the user has gained experience with the trial version of the software (i.e. partially disabled software).

It's very well known in the art that downloading a full version of the software technically involves downloading the components of the software as a full version, in a single download session, for example: downloading a file with .exe extension. Such a file is a combination of the plurality of the components of the software, application or the file.

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g. Quarterdeck is not prior art to the present application (appeal brief, page 8-9, VII. E).

In response to argument [g], Examiner disagrees because Quarterdeck discusses the features of CleanSweep 95 as it existed on October 30, 2001, prior to the appellant's filing date of November 27, 2001.

It is fairly clear that the references i.e. Quarterdeck, is well qualified for an obviousness rejection under 35 U.S.C. 103(a) because the reference has a date prior to applicant's filing date.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

To conclude, applicant's claimed invention is simply a combination of the features claimed in the prior art and/or it's an obvious modification over the prior art of record.

For example: a technique disclosed by InfoWorld and Cinecom, i.e. TRY BEFORE YOU BUY enables a user to download the trial version (a program that is partially disabled) of the computer program from the Internet, wherein the technique also walks the user by a means such as a GUI, through a simple sales and registration process (i.e. offering the computer full version of the computer program after the installation of the trial or demo version) through the Internet allowing the users to instantly turn their demo or trial version into a full purchased product (i.e. providing the computer program to the user).

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Modifying InfoWorld and Cinecom, by implementing "the recommendation feature" (i.e. informing the user of the usefulness of the computer program when the user tries to uninstall the program after accepting or downloading the full version) disclosed by Quarterdeck as discussed above, would have produced the invention and the same results as claimed in the instant application.

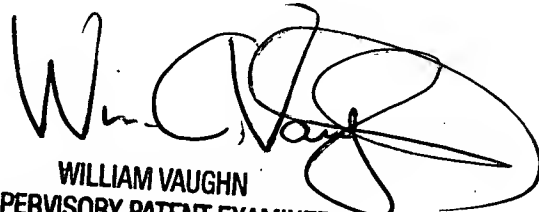
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Kamal Divecha
Art Unit 2151
September 26, 2006.

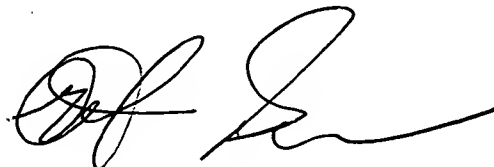
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